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Federal Election Commission
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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUN 11 3 06 PM '99

June 7, 1999

Re: Case No. MUR 4894, Zack Exley and www.gwbush.org.

Dear Mr. Noble:

Since I received the Bush campaign's complaint to the FEC I have made every attempt to get good legal advice on this matter. With limited resources, it has been hard to find. Also, I appear to be caught in a catch 22: so far I have not spent over \$250 per year on the Web site. However, paying for legal advice would put me immediately over the FEC spending threshold, thereby validating Bush's complaint against me. In this statement, to the best of my ability, I will answer each of Bush's charges and inform the FEC of my course of action.

1. On the charge that my site could influence the outcome of the election:

I never intended my Web site to get national, let alone any, media coverage. The Bush campaign intentionally brought it into the public eye. It was Bush campaign workers who first told reporters about my site. Bush campaign workers even informed reporters of the complaint to the FEC. A reporter told me the FEC complaint was on its way before I even received it! When it came, and I read that the case was supposed to be confidential, you can imagine how meaningless those words seemed to me. Bush was also telling reporters libelous and untrue things about me and my site: for example, that the site contained links to pornographic Web sites. By attacking not only my site, but also me personally, in the press, the Bush campaign forced me to take the action of issuing my side of the story to the press. Even at that point things might have still died down with out any chance of my site impacting the outcome of the election. But then Bush lashed out at me personally on national television, calling me "a garbage man," and demanding that, "There ought to be limits to freedom." After that, stories appeared in dozens of major news publications and even on several national and local television news programs. The story was even featured in print and TV in France, Germany, Russia, Japan, Norway, and The UK.

By thrusting my site in the public eye Bush brought my site hundreds of thousands of visitors, and made my site a national topic of discussion. One commentator recently went so far as to call me, "The most visible critic of Bush on the topic of his 'youthful indiscretions'."

So now I have to concede that Bush is correct when he says it's possible that I may influence the outcome of the election. But only because he made it that way. I don't claim to understand the logic behind Bush's strategy of intentionally drawing attention to my site. Why would he want to bring a critic with a Web page so much attention? However, his campaign workers and legal counsel have taken every opportunity to put me into this position.

2. On the charge that I have gone over the \$250 or \$1000 spending limits set by the FEC:

So far I have not spent more than \$250 either in 1998 or 1999. However, by causing my site to get so much traffic, Bush has increased the amount I will have to pay to my Internet host. The increased bills have not come in yet, but the extra cost could be quite substantial--even into thousands of dollars per month. Previously my hosting services cost around \$20 per month. This is money Bush forced me to spend by bringing hundreds of thousands of additional visitors to my site. I never intended to spend this much money on the site.

3. On the charge that statements on the site were libelous and untrue:

On the site I state my opinion that Governor Bush is a former drug user. Before defending that opinion I will repeat that I never intended my opinions about Bush and drugs to be broadcast nationally and discussed in the press.

I have not seen Bush do cocaine myself, but in this country people are found guilty and jailed every day of drug crimes in which there is no hard evidence. Based on the information available, including Bush's own words, I believe that he has used illegal drugs. In my opinion saying that Bush did drugs is not libelous, but simply an obvious truth. Millions of people who have seen his quotes on this topic have no doubt reached the same conclusion on their own.

While Bush has consistently refused to deny being a former drug user, he has frequently offered denials of marital infidelity and of drinking alcohol since he was 40 years old. He has also denied, at least through spokespeople, ever having been an alcoholic. This inconsistency implies that he has done what he refuses to deny.

In addition to this inconsistency, his own quotes on the subject seem contain a thinly veiled and intentional admission. In my opinion the following quote was calculated to have the same effect as Clinton's 1992 half-admission of marital infidelity as well as his "I didn't inhale" half-admission of drug use, which by-in-large quelled criticism on both of those charges. This quote is from an interview with WMUR TV in which Bush was asked whether he had done drugs:

"I'm not going to talk about what I did as a child. What I am going to talk about -- and I am going to say this consistently -- [is that] it is irrelevant what I did 20 to 30 years ago. What's relevant is that I have learned from any mistakes I made. I do not want to send signals to anybody that what Gov. Bush did 30 years ago is cool to try."

In this quote Bush even admits to "trying" something 30 years ago that would be bad for others to try. In this context the word "try" fits best with "drugs". Bush seems to be saying that he doesn't want kids to try drugs, as he did 30 or possibly as late as 20 years ago.

Bush is extremely defensive and sensitive about this issue. In addition to blowing up at me on television May 21st, he even blew up at some of his strongest supporters and high-ranking Republicans for raising this issue. That outburst was described in a recent Boston Globe article by Bush supporters who witnessed the event. To me, this explains why he is trying to intimidate me out of publicly stating my opinion that he has done drugs. I believe that he is trying to show other commentators that he will take action against anyone who states the obvious fact that he has drugs in his past. Perhaps this is

the logic behind his efforts to publicize my site and his campaign to shut it down. He wants people to politely accept his half-admission and forget about the whole thing.

I would oblige him and forget about it, except for two things:

1) Tens of thousands of people are serving long jail sentences for minor drug crimes.

2) Bush's own tough position on other people's 'youthful indiscretions' makes him a hypocrite. In Texas he lowered the age at which a minor can be tried as an adult to 14, even though he has implied that his own childhood did not end until age 32 (20 years ago.) He has also said that the number of prison cells to house drug offenders needs to increase, and has in fact helped to fund thousands of new prison beds in Texas.

(Incidentally, many of these beds were built at a profit by one of Bush's biggest campaign contributors, the Corrections Corporation of America.)

I feel very strongly that it is important to express my opinion on this matter so that voters can be well informed of Bush's true character. He is, in my opinion, a former drug user and a hypocrite who believes that everyone but him should be held accountable for their actions, and that other people should grow up by age 14 whereas he did not grow up until age 32--or possibly 40, depending on his own accounts.

All this said, I would ask the FEC to find me not guilty of violating the Federal Elections Commission Act of 1972 so far.

I acknowledge that, as Bush claims, I may now have an effect on the outcome of the election. Also, because of Bush bringing so much traffic to my site I will soon go over the FEC spending thresholds of both \$250 and \$1000.

Therefore, I am looking into registering as a political committee with the FEC. Until then, I ask that the FEC consider the exceptional circumstances in this case and find me not guilty of violating FEC laws, as Bush's lawyers claim I have.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Zack Exley". The signature is fluid and cursive, with a large, sweeping "Z" and a long, trailing flourish at the end.

Zack Exley